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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,418	11/07/2005	Ola Olsvik	050447PCTUS	3621
26285	7590	06/03/2008		
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP				
535 SMITHFIELD STREET				
PITTSBURGH, PA 15222				
EXAMINER				
SUCHFIELD, GEORGE A				
ART UNIT		PAPER NUMBER		
3676				
MAIL DATE		DELIVERY MODE		
06/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,418

Applicant(s)

OLSVIK ET AL.

Examiner

GEORGE SUCHFIELD

Art Unit

3676

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 12, 13, 15, 16, 18-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 12, 13, 15, 16, 18-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 9, 13, 15, 16, 18-20 and 22-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19 and 23 of copending Application No. 10/538,417. Although the conflicting claims are not identical, they are not patentably distinct from each other because the plant of the '417 copending claim 23 could obviously be used in a method for increasing oil recovery from an oil reservoir, as called for in pending claim 9, since the '417 claim 23 plant comprises "means for injecting gas into the reservoir".

Otherwise, the remaining pending claims 13, 15, 16, 18-20 and 22-24 appear to correspond to the claims 19 and 23 of the currently pending in the '417 application. In this regard, it is noted that pending claim 13 includes the embodiment of the '417 claim 23 synthesis unit for the synthesis of higher hydrocarbons. It is deemed that the "injection plant positioned to inject gas into the reservoir" of the pending claim 20 will obviously comprise or include a means for injecting gas into the reservoir.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claim 12 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 23 of copending Application No. 10/538,417 in view of Parsley et al (2004/0244973). Parsley et al (note Para [0042]) discloses that steam or water generated during at least one of the syngas production and synthesis is injected into the reservoir.

Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to similarly utilize any steam and/or water generated during the operation of the synthesis unit of the '417 claim 23 plant for injection into the subterranean reservoir, as taught by Parsley et al, in order to augment the displacement and recovery of oil or hydrocarbons from the subterranean oil reservoir.

This is a provisional obviousness-type double patenting rejection.

4. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.

More specifically, applicant has indicated that they will either contest the obviousness double patenting rejection and/or file a terminal disclaimer over the applied copending application at a later time. In the meantime, however, the provisional obviousness double patenting rejection, set forth above, is repeated and made final.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE SUCHFIELD whose telephone number is (571)272-7036. The examiner can normally be reached on M-F (6:00 - 2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gs
May 28, 2008

/GEORGE SUCHFIELD/
Primary Examiner, Art Unit 3676

